

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 9049 of 2016

DATED 18th MARCH, 2016

BETWEEN

Smt. Rani

...Petitioner

And

State of Telangana,
Rep. by its Secretary, Civil Supplies Department,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 9049 of 2016

ORDER:

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The order dated 26.6.2016 passed by the third respondent suspending the authorization of the petitioner pending enquiry is challenged before this Court.

As can be seen from the facts of the present case, a show cause notice was issued on 02.02.2016, to which, the petitioner has submitted his explanation on 9.2.2016. After adverting to the explanation submitted by the petitioner, findings have been recorded by the respondent authorities. It is the contention of the learned Counsel for the petitioner that the third respondent has already formed an opinion and in that view of the matter, no useful purpose would be served in directing the respondents to complete the enquiry. Opposing the said contention of the learned Counsel for the petitioner, the learned

Government Pleader submits that it is only a prima facie opinion and the authorities may take different view after enquiry and that there is no reason for the petitioner to apprehend that no justice would be done.

On considering the respective submissions of the learned Counsel on either side and perusing the material on record, it is clear that the impugned order passed by the third respondent is only an order suspending the authorization pending enquiry. Since enquiry is pending, I am not inclined to go into the same. However, the suspension order passed by the third respondent does not indicate any period of suspension. Further, a copy of the report of the Tahsildar, on which reliance was placed by the third respondent in passing the impugned order was not furnished to the petitioner and non furnishing of the copy of the said report would vitiate the very enquiry. Further, the petitioner is entitled to cross-examine the persons who stated to have not received the commodities and adverted in the report of the Tahsildar.

In view of the foregoing discussion, the third respondent shall consider the explanation submitted by the petitioner and after giving adequate opportunity to the petitioner including opportunity of cross examining the persons who have given complaint, complete the enquiry and pass appropriate orders on merits, within a period of four weeks from the date of receipt of a copy of this order, uninfluenced by the findings recorded by him in the order dated 26.2.2016 and observations made by this Court. It is made clear that the third respondent shall furnish a copy of the report of the Tahsildar and depositions, if any, made

by Sri Mahesh and Muneppal, residents of Repalley Village of Gadwal mandal, on whose complaint reliance was placed by the third respondent.

Subject to the above, the Writ Petition is disposed of at the admission stage.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 18TH MARCH, 2016.
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